



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT CIVIC
CENTRE, PUNT ROAD COBRAM,
WEDNESDAY 23 OCTOBER 2019

The meeting commenced at 6:00 pm.

PRESENT Councillor Libro Mustica (Mayor)
Councillor Peter Lawless (Deputy Mayor)
Councillor Kevin Bourke
Councillor Wendy Buck
Councillor Gary Cleveland
Councillor Marie Martin

IN ATTENDANCE: Mark Henderson Chief Executive Officer
Andrew Close General Manager Infrastructure
Simon Rennie General Manager Corporate
Sally Rice General Manager Community
Nancy Mustica Senior Governance Officer

RECORDING

Consistent with section 72 of our Meeting Procedures Local Law, Council officers have been authorised to record the public session of this meeting using an audio recording device.

1. CALLING TO ORDER – CEO

2. PRAYER

Almighty God we humbly ask you to guide our deliberations for the welfare and benefit of the Moira Shire and its people whom we serve.

Amen

Read by the Mayor.

3. ACKNOWLEDGEMENT OF COUNTRY

We, the Moira Shire Council, would like to acknowledge the traditional owners of the land upon which we meet and pay our respects to their Elders both past and present.

Read by the Mayor.

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

- Councillor Beitzel has previously requested leave of absence for this meeting.
- Councillor Cox and Mansfield are apologies for tonight's meeting.

MOTION

CRS GARY CLEVELAND / PETER LAWLESS

That Councillor Cox and Mansfield's apologies be accepted.

(CARRIED)

5. DECLARATION UNDER ACTS, REGULATIONS, CODES OR LOCAL LAWS

Nil

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS GARY CLEVELAND / PETER LAWLESS

"That the minutes of the Ordinary Council Meeting held on Wednesday, 25 September 2019, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

- Councillor Bourke reported on his attendance at an Independent Assessment of Social and Economic Conditions in the Murray Darling Basin Forum, a 100 Year celebration of education in Nathalia, the Nathalia Show and the Barmah Punt Launch.
- Councillor Buck reported on her attendance at the MAV Conference where Councillor Mansfield was recognised for his 10 years of service, a tour of Parliament House including a meeting with Tim McCurdy MP, Suzanna Sheed MP and Natalie Hutchins MP and the Australian Local Government Women's Association (ALGWA)State Conference.
- Councillor Martin reported on her attendance at the Numurkah Show, the Senior of the Year Awards at Government House where Lou Hamon was recognised for his achievements, Senior Week celebration in Numurkah, the ALGWA State Conference and an Independent Assessment of Social and Economic Conditions in the Murray Darling Basin Forum .
- Councillor Lawless reported on the success of the Barmah Punt Launch, his attendance at the Tungamah Kick Start meeting and Peter Tuohey appointment as Victoria's Rural Assistance Commissioner.
- Councillor Cleveland reported on his attendance at the MAV Conference, the Victorian Regional Achievement and Community Awards where the "No Flies on Us' program were overall winners and the recent article in the weekly times listing the number of council complaint received at the Ombudsman's Office with Moira ranking one of the lowest with only four complaints recorded.

9. OFFICER REPORTS FOR DETERMINATION

9.1 OFFICE OF CEO

NIL

FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 9.2.1

QUARTERLY BUDGET REVIEW - SEPTEMBER 2019

Executive Summary

Income Statement

There has been an increase in the forecast budget from a surplus of \$2.73 million in the Adopted Budget 2019/20 to a surplus of \$4.17 million in the September 2019 forecast. This is mainly due to the recognition of capital income for projects to be completed in the 2019/20 financial year including Apex Reserve Cobram; e-Waste Storage Facilities and Cobram Piazza and Federation Park redevelopment and new Blackspot roads funding for Campbell Road Cobram and Stewarts Bridge Road.

Balance Sheet

The Balance Sheet of Moira Shire continues to remain strong.

Cash Flow Statement

The cash position of Moira Shire continues to remain strong.

Capital Expenditure

The capital works forecast for the September 2019 quarter is \$28.17 million this is an increase of \$5.88 million on the Adopted Budget 2019/20 of \$22.29 million. This is mainly due to the completion of 2018/19 projects in the 2019/20 financial including Apex Reserve Cobram; e-Waste Storage Facilities, Cobram Piazza and Federation Park redevelopment and Stewarts Road 3 Bridges projects and new Blackspot roads projects as Campbell Road Cobram and Stewarts Bridge Road and Roads to Recovery allocation to Hawker Street Nathalia renewal works.

Financial Performance indicators

All Financial performance indicators remain within an acceptable range.

MOTION

CRS WENDY BUCK / PETER LAWLESS

1. That Council notes the projections for the 2019/20 financial year contained in the September 2019 Quarterly Budget Review.
2. That Council notes the Environment Upgrade Agreements quarterly performance report.

(CARRIED)

FILE NO: F13/2478
4. A WELL RUN COUNCIL

ITEM NO: 9.2.2

RISK MANAGEMENT POLICY REVIEW

Executive Summary

The purpose of the Risk Management Policy is to provide guidance to Council and staff to understand and manage the numerous risks to which Council is exposed.

A review of the Risk Management Policy proposes a number of relatively minor amendments that seek to improve clarity and readability of the document and which are reflective of changes to the risk management standard ISO 31000:2018.

It is recommended that the Policy remains relevant and is supported by the Risk Management Plan which provides the operational framework for risk management throughout the organisation.

MOTION

CRS WENDY BUCK / PETER LAWLESS

That Council adopt the revised Risk Management Policy.

(CARRIED)

FILE NO: XXX
4. A WELL RUN COUNCIL

ITEM NO: 9.2.3

CARETAKER (ELECTION PERIOD) POLICY - FOR DECISION

Executive Summary

This report seeks council's approval to revoke the existing 2016 Moira Shire Council Caretaker Policy and replace it with the reviewed and updated 2020 Moira Shire Council Caretaker (Election Period) Policy.

The updated policy will apply for the 2020 Local Government elections and specifically for the period from midnight Friday 18 September 2020 through to 6 pm Saturday 24 October.

As required under the Local Government Act (Act), management reviewed the policy adopted by council for the 2016 elections.

- A number of administrative elements eg dates, website addresses have been updated.
- The review did not identify any need for material changes to the policy.

Once the Policy is adopted, the policy will be provided to all councilors and will be available to candidates and the broader community via council's website.

MOTION

CRS KEVIN BOURKE / PETER LAWLESS

That Council:

1. Revoke the 2016 Moira Shire Council Caretaker Policy
2. Adopt the 2020 Moira Shire Council Caretaker (Election Period) Policy

(CARRIED)

FILE NO: F13/503
4. A WELL RUN COUNCIL

ITEM NO: 9.2.4

ASSEMBLIES OF COUNCIL

Executive Summary

This report details the Assembly of Councillors for September 2019. Report is prepared in accordance with the requirements of the Local Government Act (the Act) 1989 section 80A.

MOTION

CRS KEVIN BOURKE / GARY CLEVELAND

That Council receive and note the Record of Assemblies of Councillors with an amendment made to remove Councillor Buck and Cox from the 11 September 2019 briefing assembly.

(CARRIED)

FILE NO: F18/560
1. A GREAT PLACE TO LIVE

ITEM NO: 9.3.1

DRAFT ARTS AND CULTURAL STRATEGY 2020 - 2026

Executive Summary

This report presents the inaugural Moira Shire Council *Draft Arts and Culture Strategy 2020 – 2026* (the Strategy). This draft strategy aims to position Moira as a vibrant modern Shire where:

- our First Nations peoples, our cultural heritage and creativity, and the cultural diversity of our communities are celebrated;
- our artistic and culture endeavour builds on our strengths, our social connectivity and our wellbeing and identity; and
- we celebrate the prosperity and vibrancy of the citizens who have built Moira Shire.

The Strategy provides the mandate for the development of up to four Arts Hubs. These Hubs will progress implementation of the shire wide Action Plan through planning for and delivering localised arts and culture activities, across the Shire.

This report recommends that the draft Strategy be released for final public consultation in mid-October 2019 for one month. Following that the feedback will be considered with a view to presenting the Strategy to Council at the November 2019 Council meeting for adoption.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That Council approve the Draft Arts and Cultural Strategy 2020 – 2026 be made available for a community consultation process for a period of 4 weeks.

(CARRIED)

FILE NO: F13/2557
4. A WELL RUN COUNCIL

ITEM NO: 9.4.1

ASSET MANAGEMENT POLICY

Executive Summary

Council policies provide guidance as to Council's intent on the many functions, activities or services it provides. All policies previously adopted are regularly reviewed for relevancy to the corporate direction of Council.

The purpose of the Asset Management Policy is to provide a framework to achieve sustainable asset management, which is based on service delivery needs and integrated into Council's corporate and financial planning processes.

A review of the Asset Management Policy has found that it remains relevant with only minor changes required to apply the new policy template style and recognise that the Asset Management Strategy was adopted by Council in July 2018.

MOTION

CRS WENDY BUCK / PETER LAWLESS

That Council adopt the attached reviewed Asset Management Policy and revoke the version previously adopted 22 March 2017.

(CARRIED)

FILE NO: F15/698
1. A GREAT PLACE TO LIVE

ITEM NO: 9.4.2

HUMBERSTONE STREET SPECIAL CHARGE SCHEME

Executive Summary

Council at its Ordinary Meeting held on the 23rd August 2017 considered a joint letter received from the property owners in Humberstone and Pearce streets requesting for the construction of Humberstone Street and in Pearce Street through to Hawker Street, Nathalia, to a full urban sealed standard.

Council resolved to develop a concept design and cost estimate to construct the streets and to consult with the property owners / likely contributors if there is sufficient support to develop a Special Charge Scheme to fund the works.

A survey of the property owners has since been conducted. Based on the results of the survey and follow up information sessions with Council officers, the abutting property owners have expressed that they do not support an implementation of a Special Charge Scheme to fund the works.

Landowners in Pearce Street are in support of Pearce Street to be treated with a dust suppressant seal treatment at full cost to Council.

The Quantity Surveyors estimate for the adjacent Hawker Street renewal project has come in at \$549,883 which includes works in Pearce Street in front of the two residents on the north side of the road and water main renewal works which have only been identified. It is recommended that the \$50,000 net saving from the Humberstone Street project be allocated to the Hawker Street renewal project increasing the available funds from \$508,979 to \$558,979 and thus providing sufficient funds to complete the works.

MOTION

CRS KEVIN BOURKE / PETER LAWLESS

That Council:

1. Do not proceed with the implementation of a Special Charge Scheme to construct Humberstone Street and Pearce Street west of Hawker Street, Nathalia;
2. Incorporate dust suppressant sealing works in Pearce Street west of Humberstone Street in this Capital Works Program with the Hawker Street Renewal Project
3. Increase the capital works budget for the Hawker Street Renewal Project from \$508,979 to \$558,979 by use of the savings of Council's contribution for the Humberstone Street Special Charge Scheme.
4. Thank the respondents to the survey regarding the construction of Humberstone Street for their time and effort in replying to the survey.

(CARRIED)

FILE NO: C040/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.3

C040/19 - ROAD INFRASTRUCTURE, FOOTPATH AND PATHWAY CONDITION SURVEY ASSESSMENTS

Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals to undertake a condition survey of Council's road infrastructure assets located within the Moira Shire Council boundary.

The condition data collected for all roads, footpaths and kerbs within the municipality is to include either full video imagery of all segments or photographic images at a minimum of 10 metre intervals along each segment.

The asset classes to be assessed include sealed road pavements, sealed road surfaces, unsealed road pavements, kerb and channel including traffic islands, carparks (on road and off road), footpaths and pathways. Sealed surfaces within the Yarrowonga Aerodrome including runway, apron, taxi-way and carpark are included in the scope of works.

After consideration of the tender submissions, the evaluation panel recommends that contract C040/19 – Road Infrastructure, Footpath and Pathway Condition Survey Assessments be awarded to Shepherd Services Pty Ltd.

For more information, please refer to Appendix A – Evaluation Summary (Confidential).

MOTION

CRS PETER LAWLESS / KEVIN BOURKE

That Council:

1. Award Contract C040/19 – Road Infrastructure, Footpath and Pathway Condition Survey Assessments to Shepherd Services Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extensions within the provisions of the contract.

(CARRIED)

FILE NO: C033/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.4

C033/19 - GILMORE STREET, YARRAWONGA RECONSTRUCTION

Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals for the upgrade of Gilmore Street between the Dunlop Street roundabout and the Woods Road intersection, Yarrowonga.

After consideration of the submissions received, including price and all specification requirements, the evaluation panel recommends that O'Loughlin Excavations Pty Ltd be appointed as the preferred tenderer for contract C033/19.

MOTION

CRS PETER LAWLESS / WENDY BUCK

That Council:

1. Select O'Loughlin Excavations Pty Ltd as the preferred tenderer for contract C033/19 Reconstruction of Gilmore Street, Yarrowonga and authorise the Chief Executive Officer to undertake negotiations to achieve a best value outcome.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C046/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.5

**C046/19 - KERB AND CHANNEL RECONSTRUCTION AND ASSOCIATED
PAVEMENT WORKS, WADESON STREET COBRAM**

Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals for the upgrade of Wadeson Street between Charles Street and Karook Street, Cobram.

After consideration of the submissions received, including price and all specification requirements, the evaluation panel recommends that Contract C046/19 be awarded to O'Loughlin Excavations Pty Ltd.

MOTION

CRS GARY CLEVELAND / PETER LAWLESS

That Council:

1. Award Contract C046/19 – Kerb and Channel Reconstruction and Associated Pavement Works, Wadeson Street Cobram to O'Loughlin Excavations Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C029/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.6

C029/19 - FINANCE OF ONE COMPACT STREET SWEEPER

Executive Summary

Moira Shire Council invited submissions from suitably qualified companies for the supply and delivery or finance of one Compact Street Sweeper.

The tender provided the option for Council to purchase the compact street sweeper or to lease it over a three, four or five-year term.

The submission and subsequent Conditions of Contract are in accordance with the Municipal Association of Victoria (MAV) contract NPN1.15 – Specialised Trucks and Bodies.

Following an analysis of the purchase and lease options submitted, it concludes that the 3-year lease term is more favorable to Council. For more information, please refer to Appendix A – Evaluation Summary (Confidential).

After consideration of the tender submissions, the evaluation panel recommends that contract C029/19 be awarded to Bucher Municipal Pty Ltd for a 3-year lease term.

MOTION

CRS MARIE MARTIN / KEVIN BOURKE

That Council:

1. Award contract C029/19 – Finance of One Compact Street Sweeper to Bucher Municipal Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

(CARRIED)

FILE NO: C045/19
4. A WELL RUN COUNCIL

ITEM NO: 9.4.7

C045/19 - PAVEMENT STABILISING PROGRAM

Executive Summary

Moira Shire Council invited submissions from suitably qualified organisations or individuals for the in-situ cement or lime stabilisation of failed sections of existing sealed pavement throughout the municipality.

It is estimated that completion of approximately 8,000m² of road stabilisation will be required for the contract comprising of approximately 80 to 100 individual patches of various sizes.

After consideration of the submissions, including price and specification requirements, the evaluation panel recommends contract C045/19 be awarded to G.W & B.R Cramer Pty Ltd.

MOTION

CRS PETER LAWLESS / KEVIN BOURKE

That Council:

1. Award contract C045/19 – Pavement Stabilising Program to G.W & B.R Cramer Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents and approve contract extensions within the provisions of the contract.

(CARRIED)

**FILE NO: F17/235
4. A WELL RUN COUNCIL**

ITEM NO: 10.1

ACTION OFFICERS' LIST

MOTION

CRS WENDY BUCK / GARY CLEVELAND

That Council receive and note the Action Officers' List.

(CARRIED)

10. NOTICES OF MOTION

NIL

11. PETITIONS AND JOINT LETTERS

NIL

12. COUNCIL SEAL

FILE NO: VARIOUS

ITEM NO: 14

URGENT GENERAL BUSINESS

Note: The business considered was the political strategy for continued advocacy for Moira Shire Council as a drought affected area. The matter was considered without resolution.

FILE NO: VARIOUS

ITEM NO: 15

QUESTIONS FROM THE PUBLIC GALLERY

Questions were raised in relation to:

- Yarrawonga Library, Events & Performance Precinct newsletter.
- Former Yarrawonga Primary School site assessment.
- Living Libraries Grant cost submitted.
- Arts and Cultural Strategy.
- The demolition of the Yarrawonga Maternal and Child Health Centre.
- Murray River track access.
- Extension of the Numurkah Skate Park.

13. CLOSE OF MEETING: 7:25 PM